

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MIGUEL TEPALE, on behalf of himself  
and others similarly situated,

Plaintiff,

**23-cv-07755(ALC)**

-against-

**NOTICE OF MOTION**

J.D.B. Market Corp., Gourmet City Wood  
Ridge Inc., John Burdo and Rafael Divino,

Defendants.

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**PLEASE TAKE NOTICE** that upon the accompanying Memorandum of Law dated February 22, 2024, the Affirmation of Jasmine Patel dated February 22, 2024, and all prior pleadings and proceedings herein, Defendants J.D.B. Market Corp. (hereinafter “JDB”), and John Burdo (hereinafter “Burdo”) will move this Court before the Honorable Judge Andrew L. Carter, Jr. at 500 Pearl Street, Room 24A, New York, New York 10007, at a date and time to be determined by the Court, for an Order:

- (1) dismissing Plaintiff’s Complaint as against JDB pursuant to Fed. R. Civ. P. 12(b)(6);
- (2) dismissing, pursuant to Fed. R. Civ. P. 12(b)(6), Plaintiff’s New York State Labor Law (“NYLL”) Causes of Action (third, fourth, fifth, sixth, seventh, and eighth) against Defendants JDB and Burdo; and
- (3) for such other and further relief as may be just and proper.

Dated: Garden City, New York  
February 23, 2024

Respectfully submitted,

By:

  
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Jasmine Y. Patel, Esq.

Michael Yim, Esq.

**FRANKLIN, GRINGER & COHEN, P.C.**

*Attorneys For Defendants J.D.B Market*

*Corp. and John Burdo*

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